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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

TRIPURA ELECTRICTY REGULATORY COMMISSION

No.F.25/TERC/599 Dated 24TH Feb' 2020

NOTIFICATION

In exercise of the powers conferred on it by sub-sections (r) and (s) of Section 181 read with sub-sections (5) to (7) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Tripura Electricity Regulatory Commission hereby makes the following Regulations related to Consumer Grievance Redressal Forum, Ombudsman and Consumer Advocacy. These Regulations shall supersede the earlier Regulations on the subject notified on "Tripura Electricity Regulatory Commission (Consumers Grievance Redressal Forum and Appointment of Ombudsman) Regulation 2005 published on September 19, 2006 in the extraordinary issue of Tripura Gazette.

1. CHAPTER 1: SHORT TITLE, COMMENCEMENT, DEFINITIONS AND INTERPRETATIONS

Short Title and Commencement

1.1. These Regulations shall be called the Tripura Electricity Regulatory Commission (Consumer Grievance Redressal Forum , Ombudsman and Consumer Advocacy) Regulations'2020.

1.2. These Regulations shall be applicable to all distribution licensees in the State in their respective licensed areas.

1.3. These Regulations shall come into force from the date of their notification in the Official Gazette.

1.4. These Regulations shall be construed harmoniously with the standards of performance of the distribution licensees and the Electricity Supply Code specified by

the Commission under the provisions of Clauses (x) and (za) of sub-section (2) of Section 181 of the Act. In case of any inconsistency with these Regulations, the standards of performance of the distribution licensees and the Electricity Supply Code shall prevail.

Definitions:

1.5. In these Regulations, unless the context otherwise requires:

a) **"Act"** means the Electricity Act, 2003 (No. 36 of 2003) and its amendments;

b) **"Commission"** means the Tripura Electricity Regulatory Commission;

c) **"Complainant"** means and includes the following who have a grievance as defined in these Regulations:

- A consumer as defined under Clause (15) of Section 2 of the Act;
- An applicant for a new electricity connection;
- Any registered consumer association;
- Any unregistered association or group of consumers, where the consumers have common or similar interests; and
- In the case of the death of a consumer, his legal heir(s) or representative(s).

d) "Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be undertaken to be performed by a distribution licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of distribution licensees as specified by the Commission and includes billing disputes of any nature and matters related to safety of the distribution system or having potential of endangering of life or property.

e) "Forum" means the forum of redressal of grievances of consumers required to be established by distribution licensee , as per the provision of this Regulation made under sub-section (5) of Section 42 of the Act.

f) "Licensee" means a distribution licensee

g) "Ombudsman" means an authority appointed or designated by the Commission, under subsection (6) of Section 42 of the Act.

h) "Representation" shall mean the representation made to the Ombudsman by the complainant in person or on behalf of such a complainant who is aggrieved by the

outcome of the Forum's proceedings in respect of his/her grievance (including not issuing the order within the specified time-limit, dissatisfaction with the order issued, partial or full dismissal of the grievance).

Interpretations

1.6. Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act

2. CHAPTER 2: CONSUMER GRIEVANCES REDRESSAL FORUM (CGRF)

Number, Locations and Sittings

2.1. In terms of subsection (5) of Section 42 of the Act, every distribution licensee shall, within six months, from the Appointed Date or date of grant of distribution license or date of formation of distribution licensee pursuant to a transfer scheme for re-organization of a state electricity board, whichever is applicable, establish one or more Forum(s) for redressal of grievances of Complainants in accordance with these regulations.

2.2. The number of Forums, their locations and areas of jurisdiction may be decided by the licensee. Explanation - Multiple Forums may be established in each revenue district which is an urban area whereas a single Forum may be established for two revenue districts which are rural areas

2.3. While deciding the number of Forums, the licensee shall ensure that adequate number of Forums are established such that members of a Forum are able to conduct at least one sitting each week and all grievances are redressed within the time-limit specified under these Regulations. The forum shall ensure that it considers all matters especially with respect to grievances related to non-supply, connection and disconnection even if it receives them through letters. The Forum shall also decide the location for the hearings when there is a single forum for two revenue districts. This shall ensure the timely settlement of the grievances related to non supply, connection and disconnection.

2.4. In order to ensure that all grievances are disposed of within the specified time-limit, the Commission may, from time to time, require the licensee to increase the number of Forums.

Appointment and Removal of Members

2.5. Each Forum shall consist of three members: Chairperson, Technical/ Finance Member, and Independent Member. The Chairperson and Technical/ Finance Member shall be appointed by the licensee; the Independent Member shall be appointed by the Commission.

2.6. The Forum shall provide details regarding appointment of the Chairperson and Technical/ Finance Member to the Commission within one week of appointing them.

2.7. The members to be selected shall meet the following criteria:

a) Chairperson: The person should be a retired Judicial Officer or a retired Deputy Collector or a retired Superintending Engineer of a Distribution Licensee, with minimum 10 years of experience. Provided that, a Superintending Engineer of a Distribution Licensee applying for the post of Chairperson of the Forum shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being appointed as Chairperson of the Forum.

b) Technical/ Finance Member: The person should be a serving officer of the licensee, not below the rank of an Executive Engineer or equivalent, with at least 10 years of experience in electricity supply and distribution or accounts or finance.

c) Independent Member: The person shall be a representative of a registered society/ NGO/ consumer organization having one of its main objectives as consumer protection with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer-related matters.

2.8. Every member of the Forum shall hold office for a fixed term of three years. The tenure of a member may be extended by the licensee for a further period not exceeding two years.

2.9. The age-limit for occupying the post of the Chairperson and Independent Member shall be 65 years.

2.10. The members of the Forum shall be persons of experience, ability, integrity and standing.

2.11. All three members shall work full-time.

2.12. No person shall be appointed and/or be entitled to continue as a member if he/ she stands disqualified on account of his/ her:

a) Having been adjudged an insolvent;

b) Having been convicted of an offence which, in the opinion of the licensee, involves moral turpitude;

c) Having become physically or mentally incapable of acting as such a member;

d) Having acquired such financial or other interest as is likely to affect prejudicially his/ her functions as a member;

e) Having so abused his/ her position as to render his/ her continuance in office prejudicial to public interest; or

f) Having been guilty of proved misbehavior.

2.13. An existing member shall be liable to be removed from his office forthwith on account of any of the aforesaid disqualifications arising or being discovered. Provided that no member shall be removed from his/ her office on any ground specified in the aforesaid sub-clauses unless the licensee has held an independent inquiry in accordance with such procedure as directed by the Commission.

2.14. The licensee shall ensure that no post of a member in the Forum remains vacant for a period exceeding thirty days.

Remuneration and other expenses

2.15. The sitting fees, honorarium and / or other allowances (collectively "Remuneration") payable to the Chairperson and the Technical/ Finance Member shall be decided by the licensee. The remuneration for the Independent Member shall be decided by the Commission.

2.16. The terms and conditions of service of a member of the Forum who is in the employment of the licensee shall be governed by the terms and conditions of his/her employment with such a licensee. Thus, the Technical/ Finance Member shall continue to draw the same salary as he/ she is entitled to as a regular employee of the licensee.

2.17. The office space, secretarial support, and other facilities required for smooth functioning of the Forum shall be provided by the licensee.

2.18. The licensee shall meet all the costs and expenses of the Forum including the cost of establishment and staff required to assist the Forum in the discharge of its functions under these Regulations. The expenditure on the Forum(s) will be considered in the revenue requirement of the licensee and will be allowed as a pass-through expense.

Procedural matters

2.19. The quorum for any meeting or proceedings of the Forum shall be two, and each member shall have one vote. In case of equality of votes on any issue, the Chairperson, or in his absence the person presiding, shall have the second or casting vote.

2.20. The Chairperson shall have the general powers of superintendence and control over the Forum.

2.21. All decisions of the Forum shall, as far as possible, be unanimous or on the basis of decision taken by the majority of the members present.

2.22. No act or proceeding of the Forum shall be deemed to be invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its members.

2.23. The Forum shall comply with such general directions as the Commission may issue from time to time in the interest of efficient and effective redressal of grievances in a timely and expeditious manner. 2.24. The licensee shall from time to time give due publicity about the Forum and its charter through advertisement in widely circulated local newspapers and in such other manner as it considers appropriate and as the Commission may direct, from time to time. The names of the members of the Forum, their addresses and phone numbers shall be displayed prominently at all the offices of the licensee which has interface with consumers and shall also be duly published on the electricity bills of the consumers.

Reporting Requirements

2.25. The Forum shall submit a quarterly report on disposal of grievances to the licensee, Commission and Ombudsman. The report should be submitted within 15 days of the close of the quarter to which it relates.

2.26. The quarterly report should be submitted in accordance with the format as specified in ANNEXURE III of APPENDIX I.

2.27. The Forum shall also furnish a yearly report containing a general review of the activities of the Forum during the financial year to the licensee, Commission and Ombudsman. The report should be submitted within 45 days of the close of the financial year to which it relates.

Presence of grievance-handling mechanisms preceding the Forum

2.28. For expeditious resolution of the complaints of a Complainant, any mechanism existing within the licensee, other than the Forum established under these Regulations, may be retained. The creation of the Forum shall not debar a Complainant from settling his/ her complaints through such internal mechanisms.

Provided that the Complainant shall have the right to approach the Forum directly in respect of matters falling under the jurisdiction of the Forum.

2.29. As far as is possible and practical, the grievances shall be prioritized for redressal based on the following priority order:

a) Non-Supply

b) Connection

c) Disconnection of supply

d) Meter-related issues

e) Billing-related issues

f) Other issues

Provided that it should be ensured that all grievances are disposed of within the time limit specified under these Regulations.

Process for submission of grievance

2.30. The Complainant can submit his/ her grievance to the appropriate Forum under whose jurisdiction his/ her connection exists or a connection has been applied for. The Complainant can also submit his/ her grievance at the nearest complaint-receiving centre, already established by the licensee. The grievance may be submitted either in person or through post, email or fax.

2.31. All complaint-receiving centres shall accept the grievances from Complainants falling within the jurisdiction of the Forum. The grievance so received along with other supporting documents shall be forwarded to the relevant Forum within the next working day.

2.32. The grievance shall be submitted as per the format specified in ANNEXURE I of APPENDIX I:

Provided that the Forum shall take cognizance of any grievance submitted based on the merit of the case and will not reject any grievance for the sole reason of it not having been submitted in the format specified.

2.33. The Complainant shall be issued acknowledgement of the receipt of grievance by the complaint receiving centre. In case of submission of the grievance in person, the acknowledgment shall be issued immediately. In case of receipt of grievance by post, email or fax, the acknowledgement shall be despatched latest by the next working day. In case of issuance of acknowledgment by a complaint-receiving centre, the contact details of the relevant Forum shall also be issued along with the acknowledgement.

Limitations/ pre-conditions for submission of grievance

2.34. The Forum may reject the grievance at any stage under the following circumstances:

a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;

b) In cases which fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;

c) In cases where the grievance has been submitted two years after the date on which the cause of action has arisen; and

d) In the case of grievances which are:

- frivolous, vexatious, mala fide;
- without any sufficient cause; or
- where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected unless the Complainant has been given an opportunity of being heard

Process

2.35. The Forum shall forward a copy of the grievance to the concerned officer of the licensee or the employee / employees / department named in the grievance ("respondent party").

2.36. The respondent party shall furnish paragraph-wise comments to the Forum on the grievance within five days (grievance related to non-supply, connection or disconnection of supply) or 15 days (all other grievances) of the receipt of the grievance copy, failing which the Forum shall proceed on the basis of the material available on record.

2.37. The Forum may call for any record from the respondent party or from the Complainant as is relevant for examination and disposal of the grievance, and both the parties shall be under obligation to provide such information, document or record as the Forum may call for. Where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

2.38. The Forum may also direct the Licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the Grievance, as may be required for

expeditious redressal of the grievance. The Forum can also engage a third party (other than the licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the licensee, and to the extent reasonable and justifiable, such expenses shall be allowed as pass through expense in the determination of tariff in accordance with the relevant Regulations of the Commission. In case inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on whether the grievance is found to be of substance or not.

2.39. The Forum may call the concerned officer of the Licensee for discussion in suitable cases, in order to seek redressal of the grievance filed before it. In case the matter is settled in discussion, it may be recorded as a decision and conveyed to the Complainant and the Licensee by order of the Forum

2.40. In case the Forum comes to the conclusion that the Complainant and the concerned officer of the Licensee are required to be heard for redressal of the grievance, the Forum shall call the Complainant and the concerned officer with the details of the case and documents, if any, as may be necessary.

2.41. A Complainant, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorize any person other than an Advocate (within the meaning of the Advocates Act, 1961) to present his/ her case before the Forum and to do all or any of the acts for the purpose.

2.42. Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the grievance ex-parte.

2.43. No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.

2.44. The Forum shall be guided by the principles of natural justice, and subject to the other provisions of these regulations, the Forum shall have powers to regulate its own procedure

Issue of Order

2.45. On receipt of the comments from the Licensee or otherwise and after conducting or having inquiry or local inspection conducted as the Forum may consider necessary, and after affording reasonable opportunity of being heard to the parties, the Forum shall take a decision by a majority of votes of the members of the Forum present and in the event of equality of votes, the chairperson, or in his absence the person presiding, shall have a second or casting vote.

2.46. If, after the completion of the proceedings, the Forum is satisfied after voting that any of the allegations contained in the grievance are correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time-bound manner, namely:

a) Remove the cause of grievance in question;

b) Return to the Complainant the undue charges paid by the Complainant along with the interest. The interest rate may be fixed as the rate paid by the State Bank of India for a fixed deposit of duration nearest to the period for which the undue charges were withheld by the licensee; and

c) Any other order deemed appropriate in the facts and circumstances of the case.

2.47. The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons. The order shall be a reasoned order and signed by the members conducting the proceedings. Where the members differ on any point or points, the opinion of the majority shall be the Order of the Forum. The opinion of the minority shall however, be recorded and form part of the Order.

2.48. In case of grievances related to non-supply, connection or disconnection of supply, the Forum shall pass the order within 15 days of filing of the grievance and in case of other grievances; the order shall be passed within 45 days of filing of the grievance:

Provided also that in the event of grievance being disposed of after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing the said grievance and inform the Ombudsman

2.49. The order of the Forum shall be communicated to the Complainant and Licensee in writing within three days. A certified copy of every order passed by the Forum shall be delivered to the parties.

2.50. The Licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the Licensee, may extend the period for compliance of its order up to a maximum of three months. Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Act.

2.51. The concerned officer of the Licensee shall furnish a compliance report of the order of the Forum within seven days from the date of compliance, to the Forum and to the Complainant. The Forum shall keep a record of the compliance of its orders and review the same every month. In case of non-compliance of its orders, the Forum shall take up the matter with the higher authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance.

Special provisions: Interim Order, Escalation mechanism

2.52. Upon request of the Complainant, the Forum may issue such interim orders pending final disposal of the grievance as it may consider necessary. Provided that the Forum shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Forum that prima facie, the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made there under or any order of the Commission, provided that the Forum has jurisdiction on such matters. Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

2.53. A Complainant may prefer a representation before the Ombudsman appointed/ designated by the Commission under the following two circumstances: a) If the Complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified, and b) If the Complainant is aggrieved with the order passed by the Forum.

2.54. Such a representation may be made within a period of 30 days after grant of order by the Forum or expiration of 30 days after the time limit specified for issuance of the order, whichever is applicable.

2.55. The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order

3. CHAPTER 3: OMBUDSMAN

Qualification, terms of appointment and removal of Ombudsman

3.1. In accordance with subsection (6) of Section 42 of the Act, the Commission may, from time to time, appoint or designate a person as the Ombudsman to discharge the functions in accordance with subsection (7) of Section 42 of the Act.

3.2. The Commission may appoint or designate more than one Ombudsman for a licensee or a common Ombudsman or Ombudsmen for two or more licensees considering factors such as the number of representations received, disposal of representations within the specified time limit, ease of access for the consumer and the geographical area.

3.3. The Ombudsman shall be a person of experience, ability, integrity and standing.

3.4. The following categories of persons shall be eligible to be appointed as Ombudsman:

a) Retired District Judges

b) Retired Secretaries to State Governments

c) Any person who has held the position of a member or chairperson of any statutory quasi judicial body at the state level for at least three years

d) Any other person of equivalent level

3.5. The Ombudsman shall hold office for a fixed term of three years. The tenure may be extended for a further period not exceeding two years.

3.6. The age-limit for occupying the office of Ombudsman shall be 65 years.

3.7. The pay scale and other allowances of the Ombudsman shall be as decided by the Commission.

3.8. The Commission shall have the powers to remove the Ombudsman from office only if he/ she has:

a) Been adjudged an insolvent;

b) Been convicted of an offence which, in the opinion of the Commission, involves moral turpitude;

c) Become physically or mentally incapable of acting as an Ombudsman;

d) Acquired such financial or other interest as is likely to affect prejudicially his/ her functions as an Ombudsman;

e) Abused his/ her position so as to render his/ her continuance in office prejudicial to public interest; or

f) Been guilty of proven misbehavior

Provided that the Ombudsman shall not be removed from his/ her office on any ground specified in the aforesaid sub-clauses unless the Commission has, on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

Office of the Ombudsman

3.9. The Ombudsman's office/ offices shall be preferably located in the capital city of the state or any district headquarters as the case may be. However, the Ombudsman may hold hearings or proceedings at various places within the state in order to expedite the disposal of representations received before him/ her.

3.10. The post of Ombudsman shall be a full-time post.

3.11. The Commission shall provide the Ombudsman with a Secretariat. The staff strength of the said Secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time.

3.12. All expenses of the Ombudsman's office including that of the Secretariat shall be borne by the Commission which can recover such expenses from the licensees in proportion to their latest approved net ARRs. At the start of every quarter, the Commission shall present an estimated bill of expenses to each licensee. The licensee shall make the payment to the Commission within 15 days of the receipt of such a bill. The actual expense shall be adjusted while approving the ARR of the licensee and the licensee shall be allowed to recover such actual expense as pass through in the determination of tariffs.

3.13. The name, location, email address and telephone numbers of the Ombudsmen shall be widely publicized through newspapers, and displayed on the websites and the offices of the licensees and the Commission and intimated to consumers through electricity bills. They may also be publicized through radio and television.

Reporting Requirements

3.14. The Ombudsman shall submit to the Commission a half-yearly report on all the representations filed before it during the period. The report should be submitted within 30 days of the close of the period to which it relates.

3.15. The report shall cover:

a) Facts of the representation

b) Responses of parties in brief

c) Opinion of the Ombudsman on the compliance of standards of performance by the licensee

d) Key directions issued to licensee and/ or consumer in the order

e) Compliance of order by licensee and/ or consumer

3.16. The Ombudsman shall also furnish a yearly report containing a general review of the activities of the Ombudsman's office during the financial year to the State Commission and the State Government. The report should be submitted within 45 days of the close of the financial year to which it relates

Pre-conditions/ Limitations for entertaining Complainant's representation

3.17. The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

a) It has been filed by the Complainant being the aggrieved consumer or the association representing the consumer/s. For avoidance of doubt, a licensee is not allowed to file a representation before the Ombudsman against the order of the Forum

b) The Complainant had, before making a representation to the Ombudsman, approached the Forum constituted under Section 42(5) of the Electricity Act, 2003 for redressal of his/ her grievance

c) The representation by the Complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority; a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority.

d) The representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received

from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action.

e) The Complainant is not satisfied with the redressal of his/ her grievance by the Forum or the Forum has rejected the grievance or has not passed the order within the time-limit specified

f) The Complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or date of expiry of the period within which the Forum was required to take the decision, whichever is earlier Provided that the Ombudsman may entertain a representation after the expiry of the said period of thirty days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period.

g) The Complainant has deposited with the Ombudsman, an amount equal to one-third of the amount assessed by the Forum, if any.

h) The Complainant who claims compensation from the Distribution Licensee has paid such fees as may be stipulated by the Commission from time to time.

3.18. Subject to the provisions of the Act and this Regulation, the Ombudsman's decision on whether the representation is fit and proper for being considered by it or not, shall be final.

3.19. The Ombudsman may reject the representation at any stage if it appears to him that the representation is:

a) Frivolous, vexatious, mala fide;

b) Without any sufficient cause;

c) There is no prima facie loss or damage or inconvenience caused to the Complainant; or

Provided that the decision of the Ombudsman in this regard shall be final and binding on the Complainant and the Distribution Licensee.

Provided further that no representation shall be rejected in respect of sub-clauses (a), (b) and (c) unless the Complainant has been given an opportunity of being heard. Format for submission of representation

3.20. The Complainant can submit his/ her representation as per the format specified in ANNEXURE II of APPENDIX I.

Promotion of settlement by conciliation

3.21. As soon as it may be practicable to do but not later than one week from the date of receipt of the representation, the Ombudsman shall serve a notice to the concerned officer of the Licensee named in the representation along with a copy of the representation and endeavour to promote a settlement of the representation by mutual agreement between the Complainant and the Licensee through conciliation or mediation.

3.22. For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.

3.23. When a representation is settled through mediation of the Ombudsman, the Ombudsman shall make a recommendation which he thinks fair in the circumstances of the case. The copies of the recommendation shall be sent to the Complainant and the Licensee.

3.24. If the Complainant and the Licensee accept the recommendation of the Ombudsman, they will send a communication in writing within 15 days of the date of receipt of the recommendation. They will confirm their acceptance to the Ombudsman and state clearly that the settlement communicated is acceptable to them, in totality, in terms of the recommendations made by the Ombudsman, and are in full and final settlement of the representation.

3.25. The Ombudsman shall make a record of such an agreement as his/ her orders and thereafter close the case.

Hearing of representations:

3.26. After registering the representation, the Ombudsman, within seven days of registration, shall call for records relating to the representation from the concerned Forum. The concerned Forum shall send the entire records within seven days from the date of receipt of such notice, to the office of the Ombudsman.

3.27. The Ombudsman shall require the Licensee or any of the officials, representatives or agents of the Licensee to furnish documents, books, information, data and details as may be required to decide the representation and the Licensee shall duly comply with such requirements of the Ombudsman.

3.28. Where the representation is not settled by agreement within a period of 30 days from the date of receipt of the representation or such extended period the Ombudsman may deem fit duly considering the overall time limit specified, the Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as the Ombudsman considers appropriate.

3.29. The Ombudsman shall hear the parties and may direct the parties to submit written statements of submissions in the matter.

3.30. A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Ombudsman may either appear in person or authorise any person to present his/ her case before the Ombudsman and to do all or any of the acts for the purpose.

3.31. Where the Complainant or the Licensee or their representative fails to appear before the Ombudsman on the date fixed for hearing on more than two occasions, the Ombudsman may decide the representation ex-parte.

3.32. No adjournment shall ordinarily be granted by the Ombudsman unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Ombudsman.

Issue of Order:

3.33. The Ombudsman shall pass a written order giving reasons for all his/her findings. The order shall state the nature of the reliefs to which the Complainant is entitled as per the order. A copy of the order shall be sent to the parties and also to the concerned Forum for information.

3.34. The Ombudsman shall pass an order as early as possible, but in any case, within 60 days from the date of receipt of the representation. Where there is delay in the disposal of a representation within the said period, the Ombudsman shall record the reasons for such delay.

3.35. The order passed by the Ombudsman shall set out:

a) Issue-wise decisions;

b) Reasons for passing the order; and

c) Directions, if any, to the Distribution Licensee or Complainant, or any other order, deemed appropriate in the facts and circumstances of the case.

3.36. The Licensee shall duly comply with and implement the decision of the Ombudsman on the representation filed by the Complainant within 15 days of the issue of the Order.

3.37. Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.

3.38. No party can file an appeal before the Commission against the order passed by the Ombudsman. However, this is without prejudice to the rights of the complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before appropriate bodies.

3.39. Upon request of the Complainant, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary.

Provided that the Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Ombudsman that prima facie the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made there under or any order of the Commission, provided that, the Ombudsman has jurisdiction on such matters.

Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

3.40. The Ombudsman shall be guided by the principles of natural justice, and subject to the other provisions of these regulations, the Ombudsman shall have powers to regulate its own procedure.

4. CHAPTER 4: CONSUMER ADVOCACY

4.1. A Consumer Advocacy Cell may be instituted by the Commission to provide the required legal advice, support, and assistance to Complainants for representing their case before the Ombudsman.

4.2. Such a Cell shall be funded by the Commission.

4.3. The Cell may also perform additional functions as specified below:

a) Half-yearly review of grievances, representations and reports submitted by the Forum and the Ombudsman in order to advise the Commission on improvements to be made in the Regulations.

b) Analysis of reports submitted by the licensee with regards to levels of performance achieved on performance standards specified under Section 57 (Consumer Protection: Standards of performance of licensee) of the Act.

c) Facilitate capacity building of consumer groups and ensure their effective representation for enhancing the efficacy of regulatory processes.

5. CHAPTER 5: MISCELLANEOUS

Savings

The redressal or settlement of pending grievances and representations, respectively, made before coming into force of the ""State" Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Ombudsman and Consumer Advocacy) Regulations2016 shall continue to be governed by the provisions of the earlier Regulations on the subject notified on "Previous Regulations 2005.

Powers to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

By Order of the Commission

24/02/2020

(Er. H.K.Das)
Secretary,
TERC

APPENDICES

APPENDIX I: FORMATS

ANNEXURE I: GRIEVANCE SUBMISSION BEFORE FORUM

APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE

Note: * indicates compulsory fields

Date*: _____

1. Name of the Complainant: _____

2. Full address of the Complainant *: _____

Pin Code*: _____

Phone no.*: _____

Fax no.: _____

Email id: _____

3. Nature of Connection and Consumer no.* (in case of having applied for a connection, state the application number): _____

4. Distribution Licensee*: _____

5. Complaint receiving centre number*: _____

6. Category of grievance (please tick the relevant box/ boxes):

a. Wrong billing___ b. Recovery of arrears ___ c. Faulty Meter ___ d. Burnt meter ___ e. Supply interruption ___ f. Harmonics in supply ___gf. Supply voltage related ___ h. Deficient service ___ i. Delay in providing new connection ___j. Reconnection ___ k. Change in connected load ___ l. Transfer of connection ___ m. Others (please specify) _____

7. Name of the employee / employees (specify employee ID or department) or department against whom grievance has been filed (if any):

_____

8. Details of the grievance, facts giving rise to the grievance* (If space is not sufficient please enclose separate sheet)

_____

_____

_____

_____

9. Nature of relief sought from the Forum

_____

_____

10. List of documents enclosed (Please enclose copies of any relevant documents which support the facts giving rise to the grievance) _____ _____

_____

11. Declaration

(a) I/ We, the Complainant /s herein declare that:

(i) the information furnished herein above is true and correct; and

(ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.

(b) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

(c) The subject matter of my / our Grievance has not been settled through the Forum in any previous proceedings.

(d) The subject matter of my / our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Complainant's name in block letters)

NOMINATION – (If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Forum, the following declaration should be submitted.) I/We the above named consumer hereby nominate Shri/Smt. ..... , whose address is

.....

....

as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

ANNEXURE II: SUBMISSION OF REPRESENTATION BEFORE OMBUDSMAN

REPRESENTATION BEFORE THE OMBUDSMAN

Note: * indicates compulsory fields

Date*: _____

To The Ombudsman (specify full address)

Dear Sir / Madam

SUB: (please make a mention of the order of the Forum from which a representation to the Ombudsman is being made)

Details of the grievance are as under:

1. Name of the Complainant: _____

2. Full address of the Complainant *: _____

Pin Code*: _____

Phone no.*: _____

Fax no.: _____

Email id: _____

3. Nature of Connection and Consumer no.* (in case of having applied for a connection, state the application number): _____

4. Distribution Licensee*: _____

5. Name and Address of the Forum*: _____

6. Date of submission of grievance by the Complainant to the Forum* (please enclose 3 copies of the grievance): _____

7. Details of the representation, facts giving rise to the representation* (If space is not sufficient please enclose separate sheet)

_____

_____

_____

_____

_____

_____

8. Whether the consumer has received the final decision of the Forum? (If yes, please enclose three copies of the Forum's order conveying its final decision)

_____

9. If the consumer has received the final decision of the Forum, whether any amount was assessed by the Forum to be paid by the consumer to the licensee? (If yes, please enclose receipt of the deposit of 1/3rd of such amount with the Ombudsman)

_____

10. Nature of relief sought from the Ombudsman

_____

_____

11. List of documents enclosed (Please enclose three copies of all relevant documents which support the facts giving rise to the representation) _____ _____

_____

12. Declaration

(a) I/ We, the Complainant/s herein declare that:

(i) The information furnished herein above is true and correct; and

(ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.

(b) The subject matter of the present representation has never been brought before the Office of the Ombudsman by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

(c) The subject matter of my/ our representation has not been settled through the Office of the Ombudsman in any previous proceedings.

(d) The subject matter of the present representation has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Complainant's name in block letters)

NOMINATION –

(If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Ombudsman, the following declaration should be submitted.) I/We the above named consumer hereby nominate Shri/Smt. ..... , and whose address is .....

ANNEXURE III: QUARTERLY REPORTING BY FORUM

Quarter: ___ Financial Year: ___

1. Status of grievance redressal

S.No	Parameters	Delay in restoring	supply	Quality of	supply	Meter	problems	Billing
1	Grievances pending at end of previous quarter							
2	Grievances received during this quarter							
3	Total grievances (1+2)							
4	Grievances attended during this quarter							
5	Balance grievances to be attended (3-4)							
6	Grievances successfully redressed during this quarter							
7	Grievances in the process of redressal							
8	Grievances escalated to Ombudsman							

Note: Sum of rows 6, 7 & 8 should be equal to row 4

2. Status of compliance by licensee

a. Of the number of grievances successfully redressed during the quarter, state the number of grievances in which the order specified directions for the licensee: ___

b. Describe the status of the licensee's compliance against each such grievance:_____